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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,129	11/12/1998	JOSEPH M. CANNON	CANNON36-37-	6291

7590 01/30/2003

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EXAMINER	
GAUTHIER, GERALD	
ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/190,129	CANNON ET AL.	
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-15 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 1-6, 8-10 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama (US 5,894,505) in view of Gunn et al. (US 5,905,794).

Regarding **claim 1,** Koyama discloses a telephone answering machine (column 1, lines 6-7), (which reads on claimed "a voice messaging system"), comprising:

a telephone line interface (2 on FIG. 1);

a voice recorder/playback module (8 on FIG. 1);

a controller (13 on FIG. 1) adapted to control functions of the voice messaging system (column 9, lines 36-44) [The main control unit controls operation of the messaging unit system];

a ring signal bypass module (4 on FIG. 1) adapted to detect a presence of non-ring signal (column 10, line 19 "a polarity reverse signal") indicating a presence of an incoming call (column 10. lines 24-25 "calling party information" and column 10, lines 16-44) [The call detection circuit detects the reversal line from the communication line identifying an incoming call].

Koyama fails to disclose answering the incoming call before reception of an initial ring signal.

However, Gunn teaches the system to answer the incoming call before reception of an initial ring signal (column 4, line 11 "line reversal") relating to the incoming call by the system (column 4, lines 11-17) [The processor allow the decoder to read the caller identification information before answering the calling party].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding answering the incoming call before reception of an initial ring signal by Gunn.

The modification will allow the system to answer the incoming call before reception of an initial ring signal such that the system would trace the identity of the caller.

Regarding **claim 2**, Koyama discloses a telephone line interface is adapted to detect a line reversal on the telephone (column 10, lines 18-20) .

Regarding **claim 3,** Koyama discloses a voice messaging system as telephone-answering device (FIG. 1).

Regarding **claim 4,** Koyama discloses an answering machine (column 1, lines 6-7), (which reads on claimed "a method for allowing bypass of ring signal in a voice messaging system"), comprising:

receiving a non-ring signal (column 10, line 5 "polarity reverse signal") indicating a presence of an incoming call (column 10, line 3 "calling party calls") to the voice messaging system (column 10, lines 3-6) [The polarity reverse signal which is a non-ringing signal is received from the exchange when the calling party calls].

Koyama fails to disclose answering the incoming call before reception of an initial ring signal.

However, Gunn teaches answering the incoming call by the messaging system before a reception of any ring signal (column 4, line 11 "line reversal") by the system

(column 4, lines 11-17) [The processor allow the decoder to read the caller identification information before answering the calling party].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding answering the incoming call before reception of an initial ring signal by Gunn.

The modification will allow the system to answer the incoming call before reception of an initial ring signal such that the system would trace the identity of the caller.

Regarding **claims 5 and 9**, Koyama discloses playing an outgoing greeting message to a caller associated with the incoming call without requiring reception of any ring signal relating to the incoming call (column 10, lines 54-59); and

allowing the caller to record a voice message (column 10, lines 62-65).

Regarding **claims 6 and 10,** Koyama discloses allowing a caller associated with the incoming call to record a voice message without requiring reception of any ring signal relating to the incoming call (column 10, lines 62-65).

Regarding **claim 8,** Koyama discloses an answering machine (FIG. 1) (which has a method for answering signal that reads on claimed "an apparatus for allowing bypass of ring signal in a voice messaging system"), comprising:

means for receiving a non-ring signal indicating a presence of an incoming call to the voice messaging system (column 10, lines 3-6 a polarity reverse signal).

Koyama fails to disclose answering the incoming call before reception of an initial ring signal.

However, Gunn teaches means (508 on FIG. 4) for answering the incoming call by the voice messaging system before a reception of any ring signal (column 4, line 11 "line reversal") by the system (column 4, lines 11-17) [The processor allow the decoder to read the caller identification information before answering the calling party].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding answering the incoming call before reception of an initial ring signal by Gunn.

The modification will allow the system to answer the incoming call before reception of an initial ring signal such that the system would trace the identity of the caller.

Regarding **claim 12,** Koyama discloses an answering machine (FIG. 1) (which has a method for answering signal that reads on claimed "a method of allowing a calling party to bypass a ring signal in a voice messaging system of a called party"), the voice messaging system including voice message memory (8 on FIG. 1) for recording a voice message (column 9, line 12 "a message"), the method comprising:

providing a ring signal bypass module (4 on FIG. 1) in the voice messaging system (column 9, lines 36-44) [The main control unit for controlling the detecting operation of the call detection circuit];

activating the ring signal bypass module based on a request from the calling party (column 15, lines 58-61) [The called party can only listen to message that the calling party wants him to listen].

Koyama fails to disclose answering a call from the calling party by the system before a reception of any ring signal.

However, Gunn teaches bypassing all ring signals to the system by answering a call from the calling party by the system before a reception of any ring signal (column 4, line 11 "line reversal") by the system (column 4, lines 11-17) [The processor allow the decoder to read the caller identification information before answering the calling party].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding answering a call from the calling party by the system before a reception of any ring signal by Gunn.

The modification will allow the system to answer a call from the calling party by the system before a reception of any ring signal such that the system would trace the identity of the caller.

4. **Claims 7 and 11-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama in view of Gunn and in further view of Borland et al. (US 6,128,382).

Regarding **claims 7and 11,** Koyama and Gunn as applied to **claims 4 and 8** above differs from **claims 7 and 11** in that it fails to disclose a request for a transmission of the non-ring signal from a calling party's telephone.

However, Borland teaches inputting a request for a transmission of the non-ring signal from a calling party's telephone (column 7, lines 24-35).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama and Gunn by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Regarding **claim 13,** Koyama, Gunn as applied to **claim 12** above differ from **claim 13** in that it fails to disclose allowing the calling party to record a voice message in the voice message memory before reception of any ring signal.

However, Borland teaches allowing the calling party to record a voice message in the voice message memory before reception of any ring signal (column 6, lines 29-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama and Gunn by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Regarding **claim 14,** Koyama and Gunn as applied to **claim 12** above differ from **claim 14** in that it fails to disclose entering a request for performance of the step of bypassing all ring signals by the calling party.

However, Borland teaches entering a request for performance of the step of bypassing all ring signals by the calling party (column 6, lines 4-8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama and Gunn by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Regarding **claim 15,** Koyama and Gunn as applied to **claim 12** above differ from **claim 13** in that it fails to disclose entering a request for performance of the step of bypassing all ring signals by the calling party.

However, Borland teaches the request is entered by the calling party before a telephone number of the called party is dialed by the calling party (column 4, lines 55-59) [The *28 could be used by the caller before dialed a number].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama and Gunn by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Response to Arguments

5. Applicant's arguments with respect to **claims 1-15** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Gerald Gauthier
g.g.
January 26, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
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